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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

JUN - 3 1996

In the Matter of )  
 )  
Implementation of the Local ) CC Docket No. 96-98  
Competition Provisions in the )  
Telecommunications Act of 1996)

**Reply Comments of General Communication, Inc.**

General Communication, Inc. (GCI) hereby submits reply comments in response to the Commission's Notice of Proposed Rulemaking (Notice).<sup>1</sup> The Notice seeks comment on the rules to implement Sections 251, 252 and 253 of the Telecommunications Act of 1996 (1996 Act or Act). GCI herein addresses the claims of incumbent local exchange carriers (ILECs) regarding the following issues: dialing parity, notice of technical changes and access to rights-of-way. GCI supports the proposed rules on these issues submitted by the Telecommunications Carriers for Competition (TCC).<sup>2</sup>

**I. Dialing Parity**

Section 251(b)(3) states that all local exchange carriers (LECs) have the "duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such

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<sup>1</sup>Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket 96-98, FCC 96-182, released April 19, 1996.

<sup>2</sup>See, Reply Comments of TCC, filed May 30, 1996. The proposed rules are attached thereto.

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providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays."

This provision encompasses three obligations: (1) to provide dialing parity for providers of telephone exchange service; (2) to provide dialing parity for telephone toll service; and (3) to permit all providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance and directory assistance. All of these requirements must not have unreasonable dialing delays. To implement this provision, the Commission should adopt its proposed conclusions for all LECs.

Many small ILECs claim that they either cannot or will not be able to provide these requirements for at least two years from the date of a bona fide request. This time frame is excessive and will only frustrate the goals of competition as outlined in the Act. Dialing parity must be provided upon request. The costs should be recovered in a competitively neutral manner because all LECs, not just ILECs, must meet this obligation. LECs must be required to permit telephone exchange service customers within a defined local calling area to dial the same number of digits to make a local telephone call, notwithstanding the identity of

customer or called party's local telephone service provider. Otherwise, competition will not be achieved.

Many ILECs claim that implementation of a 2-PIC process for toll calls is overly burdensome. This is incorrect. All of the competitive areas in Alaska have implemented 2-PIC. Consumers can pick two interexchange carriers to provide service: one to provide intrastate<sup>3</sup> service and another to provide interstate and international service. This 2-PIC methodology has worked well in Alaska and can be implemented throughout the country.

All LECs must also receive nondiscriminatory access to telephone numbers, operator services<sup>4</sup> and directory assistance, i.e., the same access the LEC receives with respect to such services. The Commission should adopt the proposed rules on dialing parity as outlined in TCC's reply comments.<sup>5</sup>

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<sup>3</sup>Alaska was not part of the MFJ and therefore does not have LATAs.

<sup>4</sup>In the Notice, the Commission states that all customers must be able to connect to a local operator by dialing 0 or 0 plus. In Alaska, LECs do not provide 0 or 0 plus. Those services are provided by Alascom and GCI, interexchange carriers in Alaska. This arrangement should not be precluded.

<sup>5</sup>See Section XX.100, pps. 4-6.

## II. Access to Rights-of-Way

Pursuant to the Act, all LECs are required to provide access to the poles, ducts, conduits, and rights-of-way of such carrier to competing providers of telecommunications services on rates, terms and conditions that are consistent with section 224. Many ILECs claim that access should not be provided where such access would undermine the ILECs universal service obligations. They state that any spare or excess access should be reserved for them to perform this obligation. These claims reinforces the need for the Commission to establish national rules so that ILECs cannot preclude access to such facilities.

As outlined in the proposed rules<sup>6</sup> of the TCC, local service providers require access to the rights of way across public and private property to reach customers. The ILECs typically receive access to these rights-of-way at no charge due to their historical monopoly position. The access for competitive carriers must be the same as the access received by the ILEC. Competitive carriers cannot be charged a different rate under the Act. The proposed rules adequately addresses availability issues.

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<sup>6</sup>Section XX.101, pps. 7-8.

### III. Notice of Technical Changes

ILECs are required to "provide reasonable public notice of changes in the information necessary for the transmission and routing of services using local exchange carriers's facilities or networks, as well as of any other changes that would affect the interoperability of those facilities and networks."<sup>7</sup> This requirement is to ensure that the "network of networks" can function properly and in concert with each other. However, many rural ILECs claim that this requirement is overly burdensome. They state that they can implement new capabilities within 18 weeks and plead that the Commission should not require a 6 months minimum notice period. They also claim that they cannot participate in industry forums due to company size constraints. These claims are made solely to impede competition and consumer choice. This requirement is necessary to ensure that networks can function seamlessly.

The Commission must establish national rules to require ILECs to notify all carriers at the earliest possible point in time of any changes. The Commission cannot allow smaller ILECs to claim that this requirement is burdensome. Interconnectors need to know what changes are being made in

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<sup>7</sup>Section 251(c)(5).

General Communication, Inc.  
CC Docket 96-98  
Reply Comments  
June 3, 1996

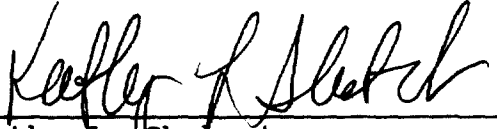
the network of the ILEC to ensure that calls can go through. The Commission's decision on this issue will determine whether or not consumers will be capable of having their calls go through. Notice is the only means of ensuring that all networks can operate effectively. GCI supports the rules outlined by TCC.<sup>8</sup>

#### IV. Conclusion

The Commission should adopt the proposed rules outlined by the TCC on the above addressed issues. The Commission should not permit ILECs, particularly rural ILECs, to not comply with these obligations.

Respectfully submitted,

GENERAL COMMUNICATION, INC.

  
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June 3, 1996

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<sup>8</sup>TCC Proposed Rules, Section xx.204, pps. 23-24.

**STATEMENT OF VERIFICATION**

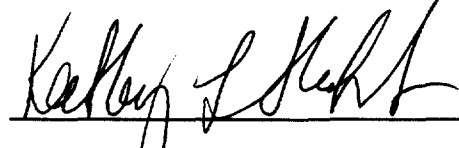
I have read the foregoing, and to the best of my knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of June, 1996.

A handwritten signature in cursive script, appearing to read "Kathy L. Shobert", written over a horizontal line.

Kathy L. Shobert  
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**CERTIFICATE OF SERVICE**

I, Kathy L. Shobert, do hereby certify that on this 3rd day of June, 1996 a copy of the foregoing was sent by first class mail, postage prepaid, to the parties listed below.

  
Kathy L. Shobert

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